

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re FIRSTENERGY CORP. SECURITIES
LITIGATION

This Document Relates To:

ALL ACTIONS

MFS Series Trust I, et al.,

Plaintiffs,

vs.

FirstEnergy Corp., et al.,

Defendants.

Brighthouse Funds Trust II – MFS Value
Portfolio, et al.,

Plaintiffs,

vs.

FirstEnergy Corp., et al.,

Defendants.

) No. 2:20-cv-03785-ALM-KAJ

)

) CLASS ACTION

)

) Judge Algenon L. Marbley

) Magistrate Judge Kimberly A. Jolson

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) **ORAL ARGUMENT REQUESTED**

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) Case No. 2:21-cv-05839-ALM-KAJ

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) Case No. 2:22-cv-00865-ALM-KAJ

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**FIRSTENERGY CORP.'S NOTICE OF OBJECTIONS TO THE SPECIAL MASTER'S
ORDERS DATED NOVEMBER 29, 2023 AND NOVEMBER 30, 2023**

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 53(f) and Section II.D of this Court's Order Appointing Special Master (ECF No. 541), Defendant FirstEnergy Corp. ("FirstEnergy") hereby submits objections to (i) the Special Master's November 29, 2023 Order (ECF No. 571); and (ii) the Special Master's November 30, 2023 Order and oral rulings denying FirstEnergy leave to file an amended declaration (Nov. 30 Notice of Order, ECF No. 575 at PageID 12423; Nov. 30 Conf. Tr., ECF 587 at PageID 12909-10) and directing "that inquiry could be had on facts told to a witness by an investigating attorney or facts learned only through review of investigation documents." (Nov. 30 Notice of Order at PageID 12422.)¹

These objections are based upon the accompanying memorandum of law in support thereof; the Declaration of Hilary M. Williams dated December 20, 2023; the Declarations of James O'Neil dated July 26, 2023 and December 7, 2023; all record evidence cited in the accompanying memorandum of law, including, but not limited to, the Declarations of Hilary M. Williams dated July 26, 2023 and October 5, 2023 and the Declaration of Jason A. Forge dated June 30, 2023; and such other evidence and argument as the Court may consider.

STATEMENT REQUESTING ORAL ARGUMENT

Pursuant to Local Rule 7.1(b)(2), FirstEnergy respectfully requests oral argument on these objections. FirstEnergy submits that, given the extraordinary nature of the Special

¹ On December 1, 2023, the Court directed the Special Master to "reduce the findings and reasoning of his November 30, 2023 Notice of Order on the Motion to Stay (ECF No. 575) to a Report and Recommendation for the Court to consider." (ECF No. 578.) For avoidance of doubt, FirstEnergy objects to that portion of the Special Master's November 30 Order denying FirstEnergy's Motion to Stay the Special Master's November 29, 2023 Order Pending Final Adjudication of FirstEnergy's Objections (ECF No. 572). FirstEnergy will submit briefing on its objections to the Special Master's forthcoming report and recommendation within 21 days of its issuance in accordance with the Court's Order Appointing Special Master, ECF No. 541, and Rule 53(f) of the Federal Rules of Civil Procedure.

Master's orders and the number and breadth of the legal and factual issues presented in this matter, oral argument may aid the Court's consideration of these objections.

Dated: December 20, 2023

Respectfully,

/s/ Thomas D. Warren

Thomas D. Warren, Trial Attorney (0077541)
WARREN TERZIAN LLP
30799 Pinetree Road, Suite 345
Pepper Pike, OH 44124
Telephone: (213) 410-2620
tom.warren@warrenterzian.com

Robert J. Giuffra, Jr. (*pro hac vice*)
Sharon L. Nelles (*pro hac vice*)
David M.J. Rein (*pro hac vice*)
Beth D. Newton (*pro hac vice*)
Nicholas F. Menillo (*pro hac vice*)
Hilary M. Williams (*pro hac vice*)
Tasha N. Thompson (*pro hac vice*)
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, New York 10004
Telephone: (212) 558-4000

Kamil R. Shields (*pro hac vice*)
SULLIVAN & CROMWELL LLP
1700 New York Avenue, N.W.
Suite 700
Washington, D.C. 20006
Telephone: (202) 956-7040

Counsel for Defendant FirstEnergy Corp.

DECLARATION OF SERVICE

I certify that the foregoing was filed electronically on December 20, 2023. Notice of this filing will be sent to all electronically registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Thomas D. Warren
Thomas D. Warren (0077541)

Counsel for Defendant FirstEnergy Corp.